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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,085	06/29/2001	Jason Benfield	AUS92001037US1	6712

7590 10/19/2004

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EXAMINER	
AHMED, FAROOQUE	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,085	BENFIELD ET AL.	
	Examiner	Art Unit	
	Farooque Ahmed	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/29/01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed 06/29/2001. Claims 1-39 are pending. Claims 1-39 represent METHOD AND SYSTEM FOR A NETWORK MANAGEMENT RRAMRWORK WITH REDUNDANT FAILOVER METHODOLOGY

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied

2. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. US Patent No. 6,269,396 in view Busschbach et al. US Patent No6, 202,170 hereinafter.

Shah teaches the invention substantially as claimed includes software interface application programs managing computer networks where management functions are perform. (See abstract).

As to claim 1, shah teaches a method for management a distributed data processing system, the method comprising:

monitoring resources within the distributed data processing system using controllers, wherein a responsible monitoring a set of resources;(see col 1 lines 25-60;col 3 lines 5-63, Shah disclosed telecom platform (API) provides tools of network managing functionality and monitoring configuration and distribution and set of components);

in response to monitoring of resources, generating topology information associated with resources (see figs 2,3,4 col 4 lines 1-38, shah disclosed telecom platform (API) includes nodes process report status and link management);

Shah fail to teach detecting a failure of the first distributed monitor controller

However Busschbach teach function in system, redundancy is provided in case of fail in function take place and backup function will take over. (See col 4 lines 5-60);

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify shah in view of Busschbach by standby monitor act as second monitor controller in case of failure of the active monitor applications function is fist distributed controller.

in response to detecting the failure of the first distributed monitor controller, updating the topology information associated with the set of resources.(see col 8 lines 18-67; col 9;col 12 lines 1-30 shah disclosed NetPM platform active /standby where information is maintained and collected by during its initialization);

In reference to claim 2, shah teaches the method as recited in claim 1, detecting a communication failure with the first distributed monitor controller; (see col 6 lines 6-60 shah disclosed platform application run active or standby in two of the nodes);

starting a second distributed monitor controller, wherein the first distributed monitor controller and the second distributed monitor controller are similarly configured (see fig6, 7 b,

col 8 lines 15-25col 11, lines 21-30,shah disclosed platform manger active and standby monitoring in network elements).

In reference to claim 3, shah teaches the method as recited in claim 2.
Shah fails to teach a in response a determination that that the first distributed monitor controller is active, requesting the shutdown of the second distributed monitor controller.

However Busschbach teach servers monitor controller function where active function become a standby and standby become active. (See col 8 lines 13-60).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by/ active monitor functionality in distributed applications where first monitor is active controller and other become standby.

In reference to claim 4, shah teaches the method as recited in claim 3.
Shah fails to teach a receiving a request from the second distributed monitor controller to establish an input/output connection and determining that the first distributed monitor controller has an active input/output connection.

However Busschbach teach Clint function out put are connected to input drive for both server input (See col 8 lines 13-60).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by/

active monitor nodes functionality in distributed applications where input out put connection with client function.

In reference to claim 5,shah teaches the method as recited in claim 2.
Shah fails to teach a response to a determination that that the first distributed monitor controller is inactive, establishing an input/output connection for the second distributed monitor controller.

However Busschbach teaches failure of active function and single standby function and selection of design input signal (see col 4lines 5-64).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by function become active in failure of active function in distributed applications where setting result in the selection of designed input signal.

In reference to claim 6, shah teaches the method as recited in claim 5,
Shah fails to teach a receiving a request from the second distributed monitor controller to establish an input/output connection determining that the first distributed monitor controller does not respond to communication on its input/output connection and terminating the input/output connection of the first distributed monitor controller.

However Busschbach teaches function in system where redundancy is provided so failure of an active function will not lead to loss functionality (see abstract and col 4 lines 5-63).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by/

active monitor nodes functionality in distributed applications where input out put connection with client function.

In reference to claim 7, Reps teaches the method as recited in claim 2, discovering a status associated with each resource in set of resources via the second distributed monitor controller(see col 8 lines 5-42 shah disclosed active or standby set of network plate form manger functionality and resources and configurable data associated with plat form.) rewriting topology information associated with each resource the set of resources accordance with the discovered status associated with each resource in the set of resources.(see col 8 lines 5-40 ;col 9 ; col 1 lines, shah disclosed manger functionality and resources and configurable data associated with plat form and keep track of their status change each server nodes and up dates. of their status).

In reference to claim 8, shah teaches the method as recited in claim 2, resynchronizing a resource status database with the topology information using the second distributed monitor controller.(See col 8 lines 5-40 col 9 lines 5-15 col 10 lines 1-65 , shah disclosed NetPM provides a set of function of the servers configuration data and use persistent dictionary and auditing to maintain the integrity of Data.)

In reference to claim 9, Reps teaches the method as recited in claim 8, determining a portion of the resource status database that necessary for resynchronlzing the topology information; (see col 8 lines 15-38 shah disclosed NetPM provides functionality of recourse where it manages all configuration data associated with platform server)

retrieving only the determined portion the resource status database.(see col 9 lines 5-67 shah disclosed determined and keep tracking of status of each server nodes).

Shah teaches the invention substantially as claimed includes software interface application programs managing computer networks where management functions are perform. (See abstract).

As to claim 10, Shah teaches a method for management of a distributed data processing system using a network management framework comprised of network management framework components,

method comprising:

receiving a resource request from a first network management framework component;(see col 8 lines 28-40 shah disclosed active and stand by platform manger and platform provides the functionality of plate fo4rm resources);

in response receiving the resource request from the first network management framework component, determining whether the first network management framework component is

a duplicate a second network management framework component; (see fig6, 7 b, col 8 lines 15-25col 11, lines 21-30,shah disclosed platform manger active and standby monitoring in network function)

in response to a determination that the first network management framework component is not a duplicate of a second network management framework component, granting access for a resource identified by the resource request to the first network management framework

component. (see col 8 lines 18-67; col 9;col 12 lines 1-30 shah disclosed NetPM platform active /standby where information is maintained and collected by during its initialization);

In reference to claim 11, shah teaches the method as recited in claim 10,

detecting a potential failure the second network management framework component; (see col 6 lines 6-60 shah disclosed platform application run active or standby in two of the nodes);

in response to detecting the potential failure of the second network management framework component, activating the first network management framework component, wherein the first network management framework component is similarly configured to the second network management framework component. (see fig6, 7 b, col 8 lines 15-25col 11, lines 21-30,shah disclosed platform manger active and standby monitoring in network elements).

In reference to claim 12, shah teaches the method as recited in claim 10,
Shah fails to teach in response determination that the first network management framework component is a duplicate a second network management framework component, denying access for a Resource identified by the resource request to the first network management framework component.

However Busschbach teach active and standby by function where it locks out the protection server function and resources in identical, update in working server function. (See col 47 lines 5-67).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by/ active monitor nodes functionality in lock the first distributed applications component where input out put connection with client function.

In reference to claim 13, shah teaches the method as recited in claim 10,
in response to a determination that the first network management framework component is a duplicate of a second network management framework component, determining whether the second network management framework component is active;

in response to a determination that that the second network management framework component is active, terminating the first network management framework component.

However Busschbach teach servers monitor controller function where active function become a standby and standby become active. (See col 4 lines 5-54; col 8 lines 13-60).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to apply a stand by/ active monitor functionality in distributed applications where first monitor is active controller and other become standby.

Shah teaches the invention substantially as claimed includes software interface application programs managing computer networks where management functions are perform. (See abstract).

As a claim 14, shah teach an apparatus for management distributed data processing system, the apparatus comprising:

means for monitoring resources within the distributed data processing system using controllers, wherein a first distributed monitor controller is responsible for monitoring a set of resources; see col 1 lines 25-60;col 3 lines 5-63, Shah disclosed telecom platform (API) provides tools of network managing functionality and monitoring configuration and distribution and set of components);

means for generating topology information associated with the set resources in response to monitoring the set resources; resources (see figs 2,3,4 col 4 lines 1-38, shah disclosed telecom platform (API) includes nodes process report status and link management);

Shah fails to teach means for detecting a failure of the first distributed monitor.

However Busschbach teach function in system, redundancy is provided in case of fail in function take place and backup function will take over. (See col 4 lines 5-60);

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify shah in view of Busschbach by standby monitor act as second monitor controller in case of failure of the active monitor applications function is fist distributed controller.

means for updating the topology' information associated with the set of resources in response to detecting the failure the first distributed monitor controller. see col 8 lines 18-67; col

9;col 12 lines 1-30 shah disclosed NetPM platform active /standby where information is maintained and collected by during its initialization);

In reference to claim 15, shah teaches the method as recited in claim 14, means for detecting a communication failure first distributed monitor controller; (see col 6 lines 6-60 shah disclosed platform application run active or standby in two of the nodes);

means for starting a second distributed monitor controller wherein the first distributed monitor controller and second distributed monitor controller are similarly

configured. (See fig6, 7 b, col 8 lines 15-25col 11, lines 21-30,shah disclosed platform manger active and standby monitoring in network elements).

In reference to claim 16, Reps teaches the method as recited in claim 15,
Shah fails to teach a means for requesting the shutdown of the second distributed monitor controller in response to a determination that that the first distributed monitor controller is active.

However Busschbach teach a function in a system a redundancy is provided in case of failure and while active and standby are dynamically connotation. (See col 8 lines 13-60).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify shah in the view of Busschbach to add stand by function which act as second controller become active in failure of active function which act as first controller monitor in distributed applications where active and standby dynamically correspond function with each other if one is working other become standby.

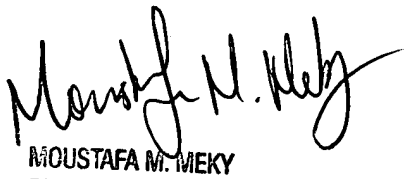
3. Claims 17-39 do not teach or define any new limitations above claims 1-16 and therefore are rejected for similar reasons.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farooque Ahmed whose telephone number is 703-605-4212. The examiner can normally be reached on M-F 8:30 to 5:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farooque Ahmed/Examiner
Art Unit 2157



MOUSTAFA M. MEKY
PRIMARY EXAMINER